

AMENDED
APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office APR 5 1989
 Returned to applicant for correction MAY 1 1989
 Corrected application filed MAY 9 1989
 Map filed MAY 9 1989 under 53101

The applicant J. M. (MIKE PECKENPAUGH
928 MORNINGSIDE DRIVE, of TWIN FALLS,
Street and No. or P.O. Box No. City or Town
IDAHO 83301, hereby make application for permission to appropriate the public
State and Zip Code No.
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
 copartnership or association, give names of members.)

1. The source of the proposed appropriation is Underground (Manhattan Gulch - Big Smoky Valley)
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 3.0 c.f.s. second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet _____

3. The water to be used for mining & milling purposes
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated _____

(b) Stockwater, state number and kinds of animals to be watered _____

(c) Other use (describe fully under "No. 12. Remarks") _____

(d) Power:

(1) Horsepower developed _____

(2) Point of return of water to stream _____

5. The water is to be diverted from its source at the following point in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 8N.,
Describe as being within a 40-acre subdivision of public
R. 43E., M.D.B.&M., whence the SE corner of Section 22, T. 8N., R. 43E., bears S.
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
14°42'55"E., 2,784.93 feet distant.

6. Place of use all of Sections 7 & 8, the W $\frac{1}{2}$ and the SE $\frac{1}{4}$ of Section 9, the SW $\frac{1}{4}$ of Section
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
10, the S $\frac{1}{2}$ of Section 14, the W $\frac{1}{2}$, SE $\frac{1}{4}$ of Section 15, all of Sections 16, 17, 18,
19, 20, 21, 22 and the N $\frac{1}{2}$ of Section 23, all being situated within T. 8N., R. 43E.,
M.D.B. & M.

7. Use will begin about January 1st and end about December 31st, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
 specifications of your diversion or storage works.) It is proposed to drill, case and equip an
State manner in which water is to be diverted, i.e. diversion structure, ditches and
underground well.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works \$15,000

10. Estimated time required to construct works..... 2 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... 3 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

530,000,000 gallons annually is the expected use with an estimated 40-50% recycle with a placer mining operation. 50,000 gallon collection tank will be used in connection with well and pipe lines.

By s/ Wallace T. Boundy
P.O. BOX 242
TONOPAH, NV 89049

Compared pm/ CC bp/se

Protested 6-12-89 by Robert Bottom Pro. Upheld 2/14/90 Ruling No. 3690

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.0 cubic feet per second, but not to exceed 200 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before March 5, 1992

Proof of completion of work shall be filed on or before April 5, 1992

Application of water to beneficial use shall be made on or before March 5, 1995

Proof of the application of water to beneficial use shall be filed on or before April 5, 1995

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed SEP 16 1992

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

IN TESTIMONY WHEREOF, I R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 5th day of March

A.D. 19 90

R. Michael Turnipseed
State Engineer

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

The total combined duty of water under Permits 53101 AND 53102 shall not exceed 200 million gallons annually.

This permit is subject to the terms and conditions of the State Engineer's Ruling No. 3690 dated February 14, 1990.

Monthly reports of water use and static water level of this well shall be submitted to the State Engineer.

